

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JAMES MATSON,	:	
Plaintiff,	:	CIVIL ACTION
	:	
v.	:	
	:	
AXA EQUITABLE	:	
LIFE INSURANCE COMPANY, et al.,	:	No. 10-5361
Defendants.	:	

ORDER

AND NOW, this 15th day of **September, 2011**, upon consideration Plaintiff's Motion for Summary Judgment, Life Insurance Company of North America's response thereto, Life Insurance Company of North America's Cross-Motion for Summary Judgment, Plaintiff's response thereto, AXA Equitable Life Insurance Company's Motion for Summary Judgment, Plaintiff's response thereto, following a hearing on August 18, 2011, and for the reasons provided in this Court's Memorandum dated September 15, 2011, it is hereby **ORDERED** that:

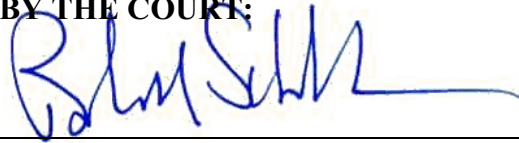
1. Plaintiff's motion (Document No. 26) is **GRANTED in part and DENIED in part** as follows:
 - a. Plaintiff is entitled to long-term disability benefits from Life Insurance Company of North America.
 - b. Plaintiff's request for attorneys' fees is **DENIED**.
2. Life Insurance Company of North America's cross-motion (Document No. 28) is **DENIED** as to the issue of coverage.
3. Life Insurance Company of North American is entitled to an offset based on Matson's receipt of social security disability benefits.

4. AXA Equitable Life Insurance Company's motion (Document No. 27) is

GRANTED.

5. Plaintiff and Life Insurance Company of North America shall confer to resolve the issue of interest due to Matson. The parties shall notify the Court, in writing, of the status of this issue on or before **Monday, October 3, 2011.**

BY THE COURT:

A handwritten signature in blue ink, appearing to read 'Berle M. Schiller', is written over a horizontal line.

Berle M. Schiller, J.